

REMARKS

The Office Action dated March 20, 2006 has been received and carefully noted. The following remarks are submitted as a full and complete response thereto.

Applicants are grateful for the courtesies extended to the Applicants' representative during the telephone interview that took place on June 12, 2006. Applicants' summary of the telephone interview is incorporated into the following remarks. New claims 36-39 are added. No new matter is added. Claims 2-14, 16, 17, 19-29 and 31-39 are respectfully submitted for consideration.

The Office Action rejected claims 2, 3, 7-19, 21-28 and 32-33 under 35 U.S.C. 103(a) as being obvious over US Patent No 6,577,865 to Dikmen (Dikmen) in view of US Patent No. 4,797,880 to Bussey Jr. (Bussey). The Office Action took the position that Dikmen disclosed all of the features recited in the above claims except for the feature of a first network element that generates fake packets to be transmitted with said intercepted data packets and the fake packets are transmitted from said first network element to the interception gateway element. The Office Action asserted that Bussey disclosed this feature. Applicants respectfully submit that the cited references taken individually or in combination fail to disclose or suggest all of the features recited in any of the pending claims.

Claim 14, upon which claims 2-13 and 16-17 depend, recites an interception method for performing a lawful interception in a packet network. A first network

element is provided having an interception function for intercepting data packets. The interception function is controlled by an interception control means implemented in a second network element. An intercepted data packet is transmitted from the first network element via the packet network to an interception gateway element providing an interface to at least one intercepting authority. The first network element generates fake packets to be transmitted with said intercepted data packets and the fake packets are transmitted from the first network element to the interception gateway element. Further, the transmitting means transmits the fake packets at random or triggered at any passing packet, such that the total load of intercepted and fake packets transmitted to the interception gateway element is constant.

Claim 21, from which claims 19-20, 22-29 and 32 depend, recites an interception system for performing a lawful interception in a packet network. A first network element includes an interception function for intercepting data packets and includes a transmitting means for transmitting an intercepted data packet to the packet network. An interception control means is implemented in a second network element and controls the interception function. An interception gateway element includes a receiving means for receiving said intercepted data packet and an interface means for providing an interface to at least one intercepting authority. The first network element further includes a means for generating fake packets to be transmitted with said intercepted data packets. The transmitting means transmits the fake packets at random or triggered at any passing packet, such that the total

load of intercepted and fake packets transmitted to the interception gateway element is constant.

Claim 33 recites a network element for a packet network. An interception means intercepts a data packet received from the packet network. A transmitting means transmits the intercepted data packet via the packet network to an interception gateway element. The interception means is controlled by an interception control means arranged in another network element. The network element further includes a means for generating fake packets to be transmitted with the intercepted data packets and the fake packets are transmitted from the network element to the interception gateway element. The fake packets are transmitted at random or triggered at any passing packet, such that the total load of intercepted and fake packets transmitted to the interception gateway element is constant.

The present invention recites the features that the fake packets as well as intercepted data are generated at the first network element having the interception function and transmitted through the packet network to the intercept gateway. The fake packets can be transmitted at random or triggered at any passing packet. This is accomplished in such a manner that the total load of intercepted and fake packets that are transmitted to the interception gateway element is constant. Applicants submit that the cited references fail to disclose or suggest all of the features of any of the pending claims and thereby fail to provide the advantages thereof.

Dikmen is directed to a system for the intercept of wireless communications wherein a HLR of a wireless communications system includes one or more flags associated with each subscriber, and the HLR notifies an intercept server each time a call event is detected in the HLR for a subscriber under surveillance as indicated by the flags. The intercept server includes a Gateway Delivery Function module and one or more Delivery Function modules, wherein the Gateway Delivery Function module provisions the Delivery Function modules depending on the location of the subscriber, to deliver call content or data from an MSC to a collection function operated by a law enforcement agency. Non-call associated data is also provided to a Delivery Function module for delivery to a Collection Function.

Bussey is directed to a non-blocking, self routing packet switch. As described in Bussey, fake place holding packets are used to insure that during each packet switch cycle a packet is routed from each input port to each output port.

Applicants respectfully submit that the cited references taken individually or in combination, fail to disclose or suggest all of the features recited in the pending claims. Specifically, Bussey fails to cure the admitted deficiencies of Dikmen, because Bussey fails to disclose or suggest the recited feature of transmitting fake packets with the intercepted packets. Bussey, at column 5 lines 57- 59 clearly discloses that the “fake packets are transmitted no further than the corresponding output ports. The Office Action took the position that Bussey suggests that “the fake packet traffic can indeed be transmitted to other network elements,” and cites col. 6 lines 60-65. The portion of

Bussey cited in the Office Action states that “dummy” packets (as opposed to “fake” packets recited in column 5 lines 57-59), which contain no data, are routed through the sorting network.

As discussed in the telephone interview, embodiments of the present invention recite that intercepted data, as well as fake packets, are generated at the first network element having the interception function, and transmitted through the packet network to the intercept gateway. If a switch, such as that disclosed in Bussey would be present in the packet network as alleged in the Office Action, the fake packets would have to be considered as real data when arriving at input ports of the switch because they were generated at the first network element. Then, the switch would have to generate other, or different, fake packets. Thus, according to Bussey, the fake packets are generated at the switch, but not at the intercepting network element. In addition, fake packets generated at the switch according to Bussey are not delivered further than to the output ports of the switch. Namely, only packets leaving the sorter network are transmitted to other parts of the telecommunications network (see Bussey, column 6 line, 66 column 7 line 4). Thus, in light of the above and as discussed during the telephone interview, it was preliminarily agreed upon that Bussey fails to cure the admitted deficiencies of Dikmen.

Applicants further submit that because claims 2-3, 7-13, 15-19, 22-28, 22-29, and 32 depend from claims 14 and 21 these claims are allowable at least for the same reasons as claims 14 and 21. Further, the cited references fail to disclose or suggest the features of these dependent claims.

Based at least on the above, Applicants submit that the cited references, taken individually or in combination, fail to disclose or suggest all of the features recited in any of the pending claims. Accordingly, withdrawal of the rejection of claims 2-3, 7-14, 16-19, 21-28 and 32-33 under 35 U.S.C. 103(a) is respectfully requested.

The Office Action rejected claims 4-6, 20, 29, 31, 34 and 35 as being obvious over Dikmen and Bussey, in view of US Publication No. 2003/0037235 to Aziz et al (Aziz). The Office Action took the position that Dikmen and Bussey disclosed all of the features of these claims except for the feature of a decryption means for removing an encryption of the received intercepted packets. The Office Action asserted that Aziz disclosed this feature. Applicants respectfully submit that the cited references taken individually or in combination, fail to disclose or suggest all of the features recited in any of the above claims. Specifically, Applicants submit that Dikmen and Bussey are deficient at least for the same reasons discussed above, and Aziz fails to cure these deficiencies.

Claim 31 recites an interception system for performing a lawful interception in a packet network. The system includes a first network element having an interception function for intercepting data packets and further includes a transmitting means for transmitting an intercepted data packet to the packet network. An interception control means is implemented in a second network element and controls the interception function. An interception gateway element includes a receiving means for receiving the intercepted data packet and an interface means for providing an interface to at least one intercepting authority. A memory means stores received intercepted data packets before

supplying them to the interface means. The interception gateway element includes a decryption means for removing an encryption of the received intercepted data packets, an extraction means for extracting intercepted data packets from fake data packets, and a means for adding time information to the received intercepted data packets before storing them in the memory means. The transmitting means transmits the fake packets at random or triggered at any passing packet, such that the total load of intercepted and fake packets transmitted to the interception gateway element is constant.

Claim 34 recites an interception gateway element for an interception system of a packet network. A receiving means receives an intercepted data packet via said packet network from a network element having an interception function, and an interface means for providing an interface to an intercepting authority. A memory means stores received intercepted data packets before supplying them to the interface means. The interception gateway element includes a decryption means for removing an encryption of the received intercepted data packets. An extraction means extracts intercepted data packets from fake data packets and a means for adding time information to the received intercepted data packets before storing them in the memory. The receiving means receives the fake packets transmitted at random or triggered at any passing packet, such that the total load of intercepted and fake packets received by the interception gateway element is constant.

Aziz is directed to a system for encrypting and decrypting data packets that are sent from a source host to a destination host across a public network. Aziz describes a tunneling bridge that is positioned at the interface between a private network and a public

network for each of a number of such private networks. The tunneling bridge for a given private network intercepts all packets sent outside of the network, and automatically determines from the tables whether each such packet should be encrypted. If so, the tunneling bridge encrypts the packet using an encryption method and key appropriate for the destination host, and adds an encapsulation header with source and destination address information and sends the packet onto the network. However, Aziz does not mention, disclose or suggest at least the feature of transmitting fake packets with intercepted packets and the feature of the fake packets being transmitted at random or triggered at any passing packet, such that the total load of intercepted and fake packets transmitted to the interception gateway element is constant, as recited in claim 31 and similarly recited in claim 34. Thus, Aziz fails to cure the deficiencies of Dikmen and Bussey.

Applicants further submit that because claims 4-6, 20, 29 and 35 depend from claims 14, 21, and 34, these claims are allowable at least for the same reasons as claims 14, 21 and 34, as well as for the additional features recited in these dependent claims.

Based at least on the above, Applicants respectfully submit that the cited references taken individually or in combination, fail to disclose or suggest all of the features recited in claims 4-6, 20, 29, 31, 34, and 35. Accordingly, withdrawal of the rejection of these claims under 35 U.S.C. 103(a) is respectfully requested.


As stated above, new claims 36-39 are added. Applicants respectfully submit that the cited references fail to disclose or suggest all of the features recited in claims 36-39.

Applicants respectfully submit that each of claims 2-14, 16, 17, 19-29 and 31-39 recite features that are neither disclosed nor suggested in any of the cited references. Accordingly, Applicants respectfully request that each of claims 2-14, 16, 17, 19-29 and 31-39 be allowed and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



David E. Brown
Registration No. 51,091

Customer No. 32294
SQUIRE, SANDERS & DEMPSEY LLP
14TH Floor
8000 Towers Crescent Drive
Tysons Corner, Virginia 22182-2700
Telephone: 703-720-7800
Fax: 703-720-7802
DEB:jkm

Enclosures: Petition for Extension of Time
Additional Claim Fee Transmittal
Check No. 14698